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09/666,054	09/20/2000	Sang Ho Lee	HI-017	5515

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Fleshner & Kim, LLP  
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EXAMINER

WAHBA, ANDREW W

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

25

**Office Action Summary**

Application No.

09/666,054

Applicant(s)

LEE, SANG HO

Examiner

Andrew W Wahba

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4 and 7-12 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 6, 17, 19, 20, 22-29, 31-35 and 37-42 is/are rejected.
- 7) ☒ Claim(s) 14-16, 30 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3, 17 and 19-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 5, the limitations of the phrase "virtual path is 0" and "virtual channel is 255" is not understood. With respect to claim 6, the limitations of the terms "virtual path is 1" and "virtual channel is 255" is not understood.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 17, 19, 20, 22-29, 31-35 and 37-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumura et al (6,269,077). With respect to

claim 1, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation in which a first board (first board) is identified as active (active state) and a second board (second board) is identified as standby (standby state), Matsumura et al discloses an input selector initially directs cell flow to the active system (column 4, lines 46-48). Matsumura et al further discloses a system switching control unit (monitoring / determining) in both the active and standby units that are connected (connecting) to one another as illustrated by FIG 2 (column 5, lines 35-38). Data cells are classified according to a delay class (generated information) that is maintained in the temporary storage unit (column 5, lines 7-34).

With respect to limitations in claim 3, in which conversion between the active and standby recognized the state of each board, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

With respect to claim 19, Matsumura et al further discloses a system switching control unit (state information) in both the active and standby units that are connected (connecting) to one another as illustrated by FIG 2 (column 5, lines 35-38).

With regard to claim 20, it is inherent that a port will have an initial state when connected.

With respect to claim 22, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitations that recognizing state information of the first and

second control board by monitoring a plurality of input and output ports and transfer active authority from one board to the other, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38). With respect to the claim limitation of forming ATM cell information from data being processed by one of the boards, Matsumura et al discloses data cells are classified according to a delay class that is maintained in the temporary storage unit (column 5, lines 7-34).

With respect to claim 23, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation of an interface circuit to coupled to an input/output bus, Matsumura et al discloses an active system that is connected to both an input and output selector as shown in FIG 2. With respect to the claim limitation that a control circuit maintain an active state as well as the limitation that a plurality of input/output ports coupled to an input/output bus to transmit state information, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

With respect to claim 25, Matsumura et al discloses a method and apparatus of ATM link switching that includes both active and standby systems as shown in FIG 1. With respect to the claim limitation of recognizing state information of an opponent board from information of the input/output ports connecting the master and slave boards, Matsumura et al discloses a system switching control unit in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines

35-38). With respect to limitation that switching the duplexing according to the general information and the formed ATM cell information, data cells are classified according to a delay class that is maintained in the temporary storage unit (column 5, lines 7-34).

With regard to claim 26, Matsumura et al discloses a first board (master board) is identified as active and a second board (slave board) is identified as standby as shown in FIG 1. Matsumura et al further discloses an input selector initially directs cell flow (ATM cell data) to the active system (column 4, lines 46-48). Matsumura et al further discloses a system switching control unit (switching) in both the active and standby units that are connected (connecting) to one another as illustrated by FIG 2 (column 5, lines 35-38).

With regard to claim 27, FIG 1, illustrates more than one connection between the active and standby systems.

With regard to claim 29, Matsumura et al further discloses a system switching control unit in both the active and standby units that are connected (connecting) to one another as illustrated by FIG 2 (column 5, lines 35-38). A signal that indicates a change in state is inherent.

With regard to claim 31, Matsumura et al discloses a first board is identified as active and a second board is identified as standby each of which is connected to a temporary cell storage unit (memory) as shown in FIG 1. Matsumura et al further discloses an input selector (controller) initially directs cell flow to the active system (column 4, lines 46-48).

With regard to claim 32 and 33, Matsumura et al further discloses a system switching control unit (controller) in both the active and standby units that are connected to one another as illustrated by FIG 2 (column 5, lines 35-38).

With regard to claim 34, Matsumura et al discloses a first board is identified as active and a second board is identified as standby each of which is connected to a temporary cell storage unit (memory) as shown in FIG 1. Matsumura et al further discloses an input selector (controller) initially directs cell flow to the active system (column 4, lines 46-48). Matsumura et al further discloses a system switching control unit (switching) in both the active and standby units that are connected (connecting) to one another as well as their respective temporary cell storage unit as illustrated by FIG 2 (column 5, lines 35-38).

With regard to claim 38, output selector 60 transmits (connecting to a bus) ATM cells as shown in FIG 1 (column 4, lines 48-49).

With regard to claim 39, Matsumura et al discloses a first board is identified as active and a second board is identified as standby each of which is connected to a temporary cell storage unit (storing) as shown in FIG 1. Matsumura et al further discloses an input selector (receiving) initially directs cell flow to the active system (column 4, lines 46-48). Matsumura et al further discloses a system switching control unit (switching) in both the active and standby units that are connected (connecting) to one another as well as their respective temporary cell storage unit as illustrated by FIG 2 (column 5, lines 35-38).

With respect to claim 17, 28, 35, 40 Matsumura et al discloses a first board (first board) is identified as active (master/active) and a second board (slave/standby) is identified as standby (standby state) as shown in FIG 1 (column 4, lines 41-43).

With regard to claim 24, 37, 41 and 42, Matsumura et al further discloses a system switching control unit (switching/controller) in both the active and standby units that are connected (connecting) to one another as well as their respective temporary cell storage unit as illustrated by FIG 2 (column 5, lines 35-38).

***Allowable Subject Matter***

6. Claims 2, 4, and 7-12 are allowed. Claims 14-16, 30 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba

*AW*

May 26, 2004

*Chau T. Nguyen*

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